IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIDNARY ORIGINAL CIVIL JURISIDICTION

CHAMBER SUMMONS NO.1618 OF 2003
IN
EXECUTION APPLICATION NO.120 OF 1999
IN
SUIT NO.2830 OF 1991

Isabel Willie Pimento & Ors. .. Plaintiffs

Vs.

M/s.Mohmed Haji Gafoor & Ors. .. Defendants

And

Mohd.Irshad Idris Kureshi .. Applicant

Mr.S.Shah i/b Pandya & Poonawala & Co. for the plaintiffs

Mr.B.Unnikrishnan for the applicant

CORAM: S.U. KAMDAR, J.

DATE : 29TH MARCH, 2005

P.C. :

1. Both the learned counsels have tendered the order passed by the Commissioner for taking accounts dated 21.7.04. The learned counsel appearing for the applicant, Mohd. Irshad Idris Kureshi herein as well as the plaintiff decree holder agrees with the order dt.21.7.04 in so far as it purports to decide the

issues raised by the applicant Mohd. Irshad Idris Kureshi is concerned is set aside. Accordingly, the order dt.21.7.04 is set aside in so far as it purports to decide the issues raised by the applicant herein. In Chamber Summons No.1618/2003 by an order dt.20.11.2003 this court directed the Commissioner to consider the objections which have been received to the warrant of sale by applicant and the same to be discarded and disposed of. In view of the order dt.21.7.04 being set aside the following order is passed.

2. Commissioner is directed to consider afresh the objections raised by Mohd.Irshad Idris Kureshi in Chamber Summons No.1618/2003 and decide the issues which are raised objecting to the sale of the said property. Such a decision will be given by the Commissioner on or before 29.4.2005. If either party is agreed by the said order of the Commissioner they will be entitled to challenge the same in accordance with law. In the aforesaid direction, Chamber Summons No.1618/2003 is disposed of. However, there shall be no order as to costs. This order is passed with the consent of both the parties. All contention on merits

and available in law are kept open before the Commissioner.